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10 Attorneys for Defendant GIUSEPPE PENZATO

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 GIUSEPPE PENZATO and KESIA PENZATO,

18 Defendants.

CASE NO. CR-12-0089 EMC

**STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING MOTIONS
HEARING AND/OR STATUS
CONFERENCE**

19 **STIPULATION**

20 The parties in this matter are currently scheduled to appear before the Court for a hearing
21 on discovery motions and/or a status conference on August 22, 2012. Since their last appearance,
22 the defendants have been actively engaged in discovery review and investigation, and defense
23 counsel have identified discovery motions to bring before the Court. At the same time, the parties
24 are pursuing a potential resolution. The parties are scheduled to meet on August 24, 2012 for
25 settlement discussions and to meet and confer on outstanding discovery requests.

26 Given the possibility that the meeting on August 24 will alter the trajectory of the case –
27 or, at a minimum, moot certain discovery motions that the defendants presently intend to file – the
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1 parties jointly submit that the hearing date and status conference presently scheduled for August
2 22, 2012 should be continued. To allow sufficient time for briefing of any discovery issues that
3 the parties cannot resolve, the parties jointly propose October 17, 2012 as a new date for the
4 motions hearing and/or status conference.

5 The parties further agree and stipulate that the time from August 22, 2012 through October
6 17, 2012 should be excluded under the Speedy Trial Act. Given the need for defense counsel to
7 complete their review of discovery already produced, along with new discovery that may be
8 produced as a result of meet-and-confer efforts, as well as defense counsel's need to prepare
9 motions to address any unresolved discovery issues, the parties agree that the failure to grant a
10 continuance would unreasonably deny the defendants the reasonable time necessary for effective
11 preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

12 IT IS SO STIPULATED.

13 DATED: August 16, 2012

Respectfully submitted,

14 /s/ *Josh A. Cohen*

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Nanci L. Clarence
16 Josh A. Cohen
Attorneys for GIUSEPPE PENZATO

17 /s/ *Gail Shifman*

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Gail Shifman
19 Attorney for KESIA PENZATO

20 /s/ *Owen Martikan*

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Owen Martikan
22 Assistant United States Attorney

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24 **ORDER**

25 Pursuant to stipulation, and for good cause shown, it is hereby ORDERED that the motions
26 hearing and status conference presently scheduled for August 22, 2012 shall be continued to
27 October 17, 2012 at ~~2:00 p.m.~~ 2:30 p.m. It is further ORDERED that the time from August 22, 2012
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1 through October 17, 2012 shall be excluded under the Speedy Trial Act. The Court finds that the
2 ends of justice served by the continuance outweigh the best interest of the public and the defendant
3 in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). Further, the Court finds that the failure to grant
4 a continuance would unreasonably deny the defendants the reasonable time necessary for effective
5 preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

6 IT IS SO ORDERED. (modified, new status set for 10/17/12 at 2:30 p.m.)

7 DATED: 8/17/12 _____

